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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,250	09/25/2003	Craig William Fellenstein	AUS920030536US1	8160

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INTERNATIONAL CORP (BLF)
c/o BIGGERS & OHANIAN, LLP
P.O. BOX 1469
AUSTIN, TX 78767-1469

EXAMINER
WIN, AUNG T

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/671,250	FELLENSTEIN ET AL.
	Examiner	Art Unit	
	Aung T. Win	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>*09 November 2005*</u>.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-20* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed on November 9, 2005 with respect to claims 1- 20

have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1, 3-5, 8, 10-12, 15, 17-19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Akhteruzzaman et al. (Publication Number: US 20030169857A1) in

view of Weinman, Jr. (Patent Number: US006658455B1).

Regarding Claims 1 & 8, Akhteruzzaman discloses voice-print based voice

message screening system (i.e., selecting voice message based on voice-print).

Akhteruzzamann discloses Memory 114C and Speech Analysis System 114A,

Voice Recognition System 114B, Subscriber Interface 114D and Speech Synthesis

system 114G (claimed means) [Paragraph 0011; Line 9-14] of the voice-print based

voice message screening system

for storing a speech characteristic (voice print) of a calling party in association

with a voice message [Paragraph 0015, Step 211] [Paragraph 0017, Step 307];

for storing calling party tag (speech tag) [Paragraph 0015, Step 208 & Step 211]

in conjunction with the speech characteristic (the voice print), and

for identifying a calling party who leaves a voice message in dependence upon

the speech characteristic [Paragraph 0015, Step 207] [Paragraph 0017, Step 305 &

307].

Akhteruzzamann clearly teaches that the method is implemented to expedite the

selecting of identified calling party voice message in which a calling party identification

is based on a calling party speech tag [Paragraph 0018] [See Abstract and Summary]

utilizing the corresponding means stated above.

Akhteruzzaman fails to disclose the claimed receiving step for receiving a search

keyword from a voicemail user so that to select a voice message based on the received

keyword and the calling party speech tag.

Weinmann discloses the method of searching information from the listing stored

in the personal storage directory (PSD) based on a voice print tag [Column 8, Line 51-

Column 9, Line 33] [Column 16, Line 61-22]. Weinmann teaches the claimed receiving

step for receiving a search keyword i.e., subscriber spoken word for comparing the

spoken word with the voice print tag in order to select the identified information from the

PSD [Figure 1A & 4].

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of invention of made to modify Akhteruzzaman's voice message screening system

for selecting the voice message based on spoken key word and voice print tag as

taught by Weinmann to implement the claimed invention i.e., searching voice message

based on search keyword and caller speech tag. One of ordinary skill in the art would

have been motivated to do this in order to improve search time in searching and

retrieving method of the identified calling party voice messages and to search the voice

messages efficiently with a spoken keyword and voice tag in the case when

conventional caller ID is not available for identifying the calling party.

Claim 15 rejected for the same reason as stated above in Claims 1 and 8

rejection because claimed steps substantially reads on the corresponding steps of

Claims 1 and 8. It is obvious to one skill in the art that modified Akhteruzzaman's

system must have claimed computer program product comprising a recording medium

in order to store program instructions for executing the claimed steps.

Regarding Claims 3, 10 & 17, Akhteruzzaman discloses the speech analysis

system 114 to retrieve at least a portion of the voice message stored by the calling party

to determine the speech characteristics of the calling party [See Step 305 in Paragraph

0017 on Page 3] [Figure 3] (retrieving speech characteristics of the calling party reads

on extracting the voiceprint from voicemail).

Claims 4, 11 & 18 are rejected for the same reasons as stated above in Claims 1,

8 & 15 rejections. Modified Akhteruzzaman teaches the claimed step [See Claims 1, 8

& 15 stated above] [Akhteruzzaman; Paragraph 0015].

Regarding Claims 5, 12 & 19, modified Akhteruzzaman teaches claimed steps of

converting spoken caller tag into text [Akhteruzzamn: Paragraph 0018] for providing a

text-based calling party identification.

3.   Claims 2, 9 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Akhteruzzaman et al. (Publication Number: US 20030169857A1) in view of Weinman,

Jr. (Patent Number: US006658455B1), further in view of Yuschik (Publication Number:

US 20020152078A1).

Regarding Claims 2, 9 & 16, modified Akhteruzzaman fails to disclose claimed

storing method i.e., prompting a caller for a predefined greeting for the voiceprint.

Yuschik teaches the voiceprint identification system to identify the calling party

who leaves a voice message and to allow the called party to retrieve only messages

from a selected caller (Paragraph 0049) (Figure 7). Yuschik's voiceprint identification

system allows a caller to leave the caller's name for the voiceprint by separately

prompting the caller for his name and his message (reads on prompting a caller for a

predefined greeting) (Paragraph 0049, Line 6-8).

Therefore, it would have been obvious to one of ordinary skill in the art to further

modify the storing of caller's voiceprint in modified Akhteruzzaman's voice-print based

voice message screening system by allowing a calling party to leave the caller's name

as taught by Yuschik for efficiently assisting a voice mail user in identifying of calling

party and tagging the voice messages by name [Yuschik; Figure 8 & Paragraph 53].

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 6 & 13 are rejected under 35 U.S.C. 102(e) as being anticipated by

Yuschik et al. (Patent Number: US 20020152078A1).

Regarding Claims 6 & 13, Yuschik discloses voice print identification system for

selecting stored voice messages [Paragraph 0049-0053] [Figure 8]. Yuschik discloses

claimed means [See components in Figure 1]

for storing the caller spoken name i.e., (caller identification data) [Paragraph

0049];

for identifying caller based on Speaker Dependent Technology in which the caller

spoken name is associated with a voice message in order to retrieve the voice message

in dependent upon the caller identification data [Paragraph 0050];

for receiving a spoken name (search keyword) [Paragraph 0053] from voicemail

subscriber; and

for selecting one or more voice messages [Paragraph 0053] based on the

spoken name of a caller and stored caller spoken name i.e., caller identification data.

5.   Claims 7, 14 & 20 are rejected under 35 U.S.C. 102(e) as being anticipated by

Kermani (Patent Number: US006697796B2).

Regarding Claim 7, Kermani discloses a method for voicemail searching, the

method comprising:

Storing, in associated with a voice mail message [Column 5, Line 45], message

text converted from the voice message [Column 4, Line 25-30] [Column 5, Line 44-50];

Receiving at least one search keyword from a voicemail user to select voice

message [Voice clip search module; Column 4, Line 66-Column 5, Line 8] [Input text

string; Column 6, Line 12] [Keyword; Column 6, Line 39-40] based upon the search

keywords and the message text.

Claim 14 is rejected for the same reason as stated above in Clam 7 rejection

because the storing, receiving and selecting steps performed by claimed means reads

on the corresponding steps of Claim 7.

Kermani's system is integrated with claimed means [Figure 1] i.e., voice clip

audio text sector 300; controller 300 and voice clip search module 100 in order to

perform the corresponding claimed steps [See Figure 1 and corresponding disclosure].

Claim 20 is rejected for the same reason as stated above in Claims 7 and 14

rejection because claimed steps substantially reads on corresponding steps of Claims 7

and 14. Kermani's system must have claimed computer program product comprising a

recording medium in order to execute the claimed steps.
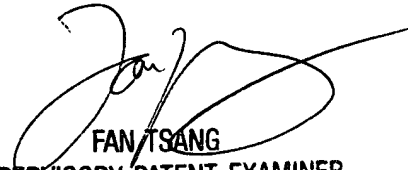
Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Aung T. Win whose telephone number is (571) 272-

7549. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aung T. Win
Group Art Unit 2645
February 17, 2006

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600